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SUBJECT: ECK EXPRESSES SOME CONCERNS AS THE REFERENDUM
DRAWS NEAR

REF: A. NAIROBI 3863

[1](#)B. NAIROBI 4436

[1](#)1. (U) SUMMARY: The Electoral Commission of Kenya, charged with conducting the November 21 national referendum on the proposed new constitution, is making ready for polling day, including adopting new technology which will permit the ECK to broadcast voting results near simultaneously. While disappointed at low voter enthusiasm and lackluster participation of civil society organizations, the ECK is grateful for the offer of international missions to serve as observers on the referendum. END SUMMARY.

[1](#)2. (U) On October 27, poloff spoke with Electoral Commission of Kenya (ECK) Public Relations manager Mani Lemayian to discuss the preparations for the up-coming November 21 national referendum on the proposed new constitution. He explained that logistically everything is proceeding smoothly. However, politically there is room for improvement, beginning with the limited control the ECK has been able to exert over the referendum campaigns and the use of government resources by either side. Ref A.

Slow Progress on Constituency Agents

[1](#)3. (U) As required, the 2 national-level referendum committees, which will coordinate the campaigns for both sides in the debate, have completed their registration with the ECK. Constituency-level committees are currently in the process of registration, but Lemayian indicated that this process was not moving forward as quickly as they had hoped. The respective campaign secretariats are slow to provide the ECK with its constituency agents, those who will be observing the voting in polling stations across constituencies, which Lemayian attributed to a general lack of organization at the secretariats. The registration of constituency agents is extremely important as they are the ones responsible to the ECK for any violations of the electoral code of conduct in their constituencies and are also the most likely to cry foul if some procedural irregularity prevents them from accessing polling stations on polling day.

"Instant" Results May One Up the Media

[1](#)4. (U) According Lemayian, the ECK is currently deliberating a proposal which would allow polling results to be conveyed from the individual polling stations to the ECK via mobile phones, allowing the ECK to release "near simultaneous" provisional results to the nation. This method would allow the ECK to preempt the media releasing unofficial results which may create conflict if various media houses reach different conclusions or are perceived to be biased towards one side in the referendum debate. The ECK plans to concentrate media representatives and other interested observers in a specially created media center where the ECK would release the provisional results. Lemayian said that the ECK is interested in adopting the communication protocol which would allow the early release of provisional results, however the amount of resources required to increase the technological capacity to achieve this may prove prohibitive.

Lackluster Enthusiasm for the Referendum

[1](#)5. (U) Lemayian lamented the thus-far lack of interest expressed by domestic organizations to serve as observers of the referendum. He noted that during the 2002 elections, 40,000 Kenyans served as observers. To date the ECK has received very few inquiries (compared to expectations) from potential domestic observers. Of those who have expressed

interest, many are laboring under the mistaken belief that they will receive financial remuneration for their efforts. He accredited the lackluster interest of domestic organizations to both a lack of funding and a lack of strong civil society organizations engaged on the issue. (Note: In the 2002 elections, the international community provided funding to domestic organizations to observe the elections. Regarding this referendum, international missions have been reluctant to support civil society organizations to serve as observers because many of these organizations have been very active in the referendum debate, calling into question their impartiality. End Note.) He expressed his appreciation of the international community's interest in observing, but expressed some dismay at the limited size and breadth of its anticipated observation delegation. He also noted the dearth of international media presence in Kenya and an absence of reporting on the referendum process.

Stormy Weather

16. (U) While Lemayian noted the low levels of voter enthusiasm (compared to the 2002 elections and as evidenced in the fewer applications for replacement voter registration cards) and his concern over the possibility of low voter turnout, his greatest concern surrounds the weather. Voting materials and ballots need to be sent to each and every polling station throughout the country, all 19,134 of them. Many of these polling stations are difficult to reach even in the best of times. As November is traditionally a month for rain, heavy rainfall might significantly hamper access to some of the more remote locations, impeding delivery of the voting materials, including ballots, and return of the certified voting results. Lemayian noted that some public and private air transport might be made available to reach otherwise inaccessible sites. However these might not be sufficient, thus significantly delaying the release of the certified voting results and thereby prolonging the window for dangerous speculation.

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